

## **EXHIBIT A**

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

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HOMIE TECHNOLOGY, INC., a Delaware corporation,

Plaintiff,

v.

NATIONAL ASSOCIATION OF REALTORS, an Illinois non-profit association; ANYWHERE REAL ESTATE INC., a Delaware corporation; KELLER WILLIAMS REALTY, INC., a Texas corporation; HOMESERVICES OF AMERICA, INC., a Delaware corporation; HSF AFFILIATES, LLC, a Delaware limited liability company; and RE/MAX LLC, a Delaware limited liability company,

Defendants.

**DECLARATION OF DEBBIE GARDNER IN SUPPORT OF KELLER WILLIAMS REALTY, INC.'S MOTION TO DISMISS**

Case No. 24-cv-00616-DAK-JCB

District Judge: Hon. Dale A. Kimball  
Magistrate Judge: Hon. Jared C. Bennett

I, Debbie Gardner, certify and declare as follows:

1. I am employed by Keller Williams Realty, Inc. ("Keller Williams") as the Director of Franchise Systems. I have been employed by Keller Williams since 2016. As a result of my employment, I am knowledgeable about Keller Williams' business practices and operations. I have personal knowledge of the matters set forth herein, and believe them to be true and correct based on (a) my work for Keller Williams, and (b) my review, or someone else's review at my direction, of relevant business records.

2. Keller Williams is incorporated as a business corporation under the laws of the State of Texas. It has its principal place of business at 1221 South Mopac Expressway, Suite 400, Austin, Texas, 78746. Most of Keller Williams' employees are located in Texas.

3. Keller Williams is a real estate franchise company that enters arm's-length commercial relationships with independently owned and operated residential real estate brokerages that choose to operate as a franchisee "Marker Center" under the KELLER WILLIAMS® brand. Pursuant to its franchise agreements, Keller Williams licenses its trademarks KELLER WILLIAMS® and KW® to franchise brokerage companies.

4. Keller Williams is not a real estate brokerage. It does not own or operate any brokerage companies located in Utah.

5. Keller Williams is not a member of the National Association of Realtors ("NAR"), did not vote to adopt the NAR rules and policies challenged by plaintiff in this case, and is not a member of any Multiple Listing Service in Utah.

6. Each franchisee in Utah that operates under the KELLER WILLIAMS® brand is independently owned and operated. Keller Williams exercises no control over those brokerages' day-to-day operations or over the agents that associate with those brokerages.

7. These franchise brokerage companies have the discretion to enter relationships with independent real estate agents of their own choosing. The brokerages typically enter independent contractor agreements with their agents. Keller Williams is not a party to these independent contractor agreements, and Keller Williams does not have the authority to hire or fire real estate agents affiliated with the franchise brokerage companies.

8. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 17th day of October 2024 in Austin, Texas.

*Debbie Gardner*  
DEBBIE GARDNER